

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/030,989 02/26/98 NAZARIAN

R 28724/34520

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EXAMINER

ZIMMERMAN, B

ART UNIT PAPER NUMBER

2735

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DATE MAILED: 02/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/030,989	Applicant(s) Nazarian
	Examiner Brian Zimmerman	Group Art Unit 2735

Responsive to communication(s) filed on _____.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 16-22 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 16-22 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DOUBLE PATENTING

1. Claims 16-22 are rejected under the judicially created doctrine of double patenting over claims 1-15 of U. S. Patent No. 5813972 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

5 The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Medical Profusion System with Communication Network.

Furthermore, there is no apparent reason why applicant was prevented from
10 presenting claims corresponding to those of the instant application during prosecution
of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158
USPQ 210 (CCPA 1968). See also MPEP § 804.

ART REJECTION

15 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dais (5524213) and Omori (5820414).

Dais shows a medical communication system which includes a bus and interface units connected to the bus and also to peripheral units. See col. 1 line 11+. The interface units generate messages in the form of digital data packets. Dais does not expressly show the interface unit to be within a housing and have different shaped coupling means for coupling to 1) the bus, and 2) the peripheral.

In an analogous art, Omori shows an interface adapter which connects a circuit board 1 to a bus 19a. The interface adapter includes processing elements 16 and 17 and includes connector means which have different shaped couplers as claimed, to provide connection and improvement of the IC card.

10 The examiner takes note that a profusion device is a well known medical instrument that would have fallen under the medical application taught by Dais.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized an interface unit in the shape of Omori in the Dais system in order to provide connection and improvement to the peripheral unit of Dais.

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OTHER PRIOR ART CITED

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Zimmerman whose telephone number is (703) 305-4796.

- 5 Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Brian Zimmerman
Patent Examiner
Art Unit 2735

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703-305-4796
February 09, 2000